IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.553 OF 2006

Aditya Laminator Pvt.Ltd. .. Petitioner

V/s

The Union of India & Ors. .. Respondents

Shri.Prakash Shah i/b. PDS Legal for the Petitioner.
Shri.A.J.Rana, Sr. Counsel with Mrs.Neeta Masurkar for the Respondents.

CORAM : DR.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATE : 7TH FEBRUARY, 2006.

P.C.:

1. Rule. Rule is made returnable forthwith. Heard the learned Counsel for the Petitioner and the learned Counsel for the Respondents. The learned Counsel for the Respondents waives service. By consent taken up for hearing forthwith.

2. By this petition, the Petitioner is challenging the orders dated 16th March, 2005, 3rd June, 2005 and 21st October, 2005 passed by the learned CESTAT. The main grievance of the Petitioner is that the above order dated 16th March, 2005 was passed without affording a fair opportunity of personal hearing to the Petitioner. The learned

Senior Counsel Shri.Rana appearing on behalf of Respondent Nos.1 and 3 also fairly concedes that no fair opportunity of hearing was given to the Petitioner. In view of the above the learned Senior Counsel fairly states that the Tribunal be directed that the miscellaneous application with regard to pre-deposit be again re-heard. The miscellaneous application was disposed of without hearing the Petitioner on 16th March, 2005. Hence the said order dated 16th March, 2005 and the other subsequent orders dated 3rd June, 2005 and 21st October, 2005 also stand setaside.

3. CESTAT shall hear the miscellaneous application with regard to pre-deposit afresh again, strictly on its own merits.

4. Rule is made absolute accordingly.

(DR.S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)